

A.1.1

STATE OF INDIANA

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT



INDIANAPOLIS, 46225

105 South Meridian Street

Pearl D. Johnson, M.D.
Health Officer
Lake County Health Department
2293 North Main Street
Crown Point, IN 46307

AUG 5 1985

Re: American Chemical Service, Inc.
EPA ID #IND 016360265
(Partial Closure)
Closure of a Hazardous Waste
Management Facility
Public Participation

Dear Dr. Johnson:

On August 30, 1985, the U.S. Environmental Protection Agency published a document titled Guidance on Public Involvement in the RCRA Permitting Program. This guidance document details the requirements for the involvement of the public in the permitting process of hazardous waste management facilities. All treatment, storage, or disposal facilities must have a closure plan that describes in detail the steps necessary to close the facility or portions of the facility in order to minimize exposure to the public and the environment. Facilities which choose not to obtain a hazardous waste treatment, storage, or disposal permit must go through closure. Indiana Rule 320 IAC 4.1-21 provides the regulatory requirements for closure of a hazardous waste management facility.

The following company: American Chemical Service, Inc., 420 South Colfax Avenue, Griffith, Indiana, has filed a closure plan with our agency. Enclosed is a copy of the closure plan which the above named company has filed. Please make available for public examination this letter and the enclosed information for a period of sixty (60) days.

If you have any questions concerning closure of this facility or the public participation program, please contact Mr. Dennis E. Williamson of my staff at AC 317/232-3221.

Very truly yours,

Terry F. Gray

Terry F. Gray, Chief
Plan Review and Permit Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

DEW/cl
Enclosure



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RECEIVED

NOV 10 1990

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

Griffith Public Library
940 N. Broad
Griffith, Indiana 46319

Re: American Chemical Service Inc.
Closure of Hazardous Waste
Management Facility
Public Participation

Dear Sir/Madam:

Hazardous waste treatment, storage, or disposal facilities may undergo partial or total closure. Partial closure means the proper closure of certain hazardous waste management units at a facility that contains other active hazardous waste management units. Total closure is the proper closure of all hazardous waste units at the facility. Prior to the closure, the facility must submit a closure plan to the Indiana Department of Environmental Management (IDEM) which specifies how the hazardous waste unit(s) will be closed in a manner that controls, minimizes, or eliminates any impact on human health and the environment. The plan must be approved by the IDEM before it can be implemented.

Indiana Rule 329 IAC 3-21-3 provides the public an opportunity to submit comments on the plan. The following company: American Chemical Services, Inc., P.O. Box 190, Griffith, Indiana, has provided the IDEM with a notification of closure and has submitted a total closure plan. Enclosed is a copy. Please make available for public examination this letter and the enclosed information for a period of sixty (60) days.

If you have any questions concerning this matter, please contact Mr. Mitch Mosier of my staff at AC 317/232-4534.

Sincerely,

Jayne E. Browning for

Victor P. Windle, Chief
Plan Review and Permit Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

MFM/go

Enclosure

cc: Mr. Hak Cho, U.S. EPA, Region V
Ms. Fayola Wright, U.S. EPA, Region V

An Equal Opportunity Employer

FOR MORE INFORMATION

To obtain more information, please contact:

Regarding Superfund:

Karen Martin
Community Relations Coordinator
(312) 886-6128

Bob Swale
Remedial Project Manager
(312) 886-5116

Regarding RCRA:

Suzanne Kircos
Public Affairs Specialist
(312) 353-3209

Dan Bakk
RCRA Enforcement Specialist
(312) 886-3781

EPA Toll-free: (800) 621-8431 (9 - 4:30 CST)

A public information repository has been established so the public may review documents regarding the ACS Superfund site. Location:

Griffith Town Hall
111 N. Broad St.
Griffith, IN

A copy of the Consent Agreement and Final Order for the RCRA action outlined above has also been placed in the ACS repository.

MAILING LIST

If you did not receive this fact sheet in the mail, you are not on EPA's mailing list for the **American Chemical Services** Superfund site. To place your name on the mailing list, or to make a change or correction, please fill out this form, and send to:

Karen Martin, 5PA-14
Community Relations Coordinator
U.S. EPA
230 S. Dearborn St.
Chicago, IL 60604

NAME: _____

ADDRESS: _____

AFFILIATION



FILE

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

VIA CERTIFIED MAIL - OVERNIGHT DELIVERY

June 21, 1990

WLTH

3669 Broadway
Gary, Indiana 46409

Re: Public Service Announcement

Dear Sir or Madam:

IND 0163 60265

Enclosed, please find a Public Service Announcement regarding the Indiana Department of Environmental Management's (IDEM) intent to deny a Variance Request from Liability Requirements for American Chemical Services.

Indiana Hazardous Waste Regulation 329 IAC 3-39-6, requires that the IDEM broadcast its intention to deny a Variance Request from Liability Requirements over a local radio station. In order to demonstrate our compliance with this requirement, we request your cooperation in making this announcement. The announcement should be aired on June 29, 1990.

Enclosed is a Verification of Broadcast form. Please return the form to my attention. A claim voucher should be signed and returned to the attention of Mr. Jerry Higdon at the Indiana Department of Environmental Management, 105 South Meridian Street, P.O. Box 6015 Indianapolis, Indiana 46206-6015.

Thank you for your assistance. If you need any further information, please contact Mr. Mitch Mosier, at AC 317/232-3221.

Very truly yours,

Thomas E. Linson, Chief
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

MJM/rmw

Enclosure

cc: Mr. Hak Cho, U.S. EPA, Region V (with enclosures)
Ms. Fayola Wright, U.S. EPA, Region V (with enclosures)

An Equal Opportunity Employer

RADIO BROADCAST ANNOUNCEMENT

American Chemical Services, Inc.

The Indiana Department of Environmental Management (IDEM) intends to deny a variance request from the Liability Requirements, as established in Hazardous Waste Management Rules 329 IAC 3-22-24, for American Chemical Services, Inc, located in Griffith, Indiana.

The IDEM has prepared a Fact Sheet which explains the reasons supporting this decision and provides other relevant information. The Fact Sheet is available for review at the Hammond Public Library, 564 State Street, Hammond, Indiana 46320, and at the Indiana Department of Environmental Management in Indianapolis, Indiana.

The IDEM is seeking public comments before a final decision is made. Written comments on the variance request will be received by the IDEM and must be postmarked no later than August 13, 1990. Comments may be sent to : Mr. Thomas E. Linson, Chief, Hazardous Waste Management Branch, Solid and Hazardous Waste Management, Indiana Department of Environmental Management, 105 South Meridian Street, P.O. Box 6015, Indianapolis, Indiana 46206-6015.

A public hearing on the variance request will be held on August 9, 1990, at 7:00 p.m., in the Hammond City Council Chambers, Hammond City Hall, 5925 Calument Ave., Hammond, Indiana.

For more information contact the Indiana Department of Environmental Management at AC 317/232-3221.

VERIFICATION OF BROADCAST

This is to verify that a Public Service Announcement on the Indiana Department of Environmental Management's (IDEM) notice of intent to deny a Variance Request from Liability Requirements for American Chemical Services, Inc., IND 016360265, was broadcast on the following dates:

Signature: _____

Date: _____

Lake Co
1016

106



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

September 15, 1987

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

Mr. John J. Murphy
Vice President
American Chemical Service, Inc.
P.O. Box 190
Griffith, IN 46319

Re: Response to Notice of Deficiency

Dear Mr. Murphy:

We are in receipt of your August 21, 1987, letter and response to our April 15, 1987, Notice of Deficiency. The response has been forwarded to technical staff for their review.

The request made under the Freedom of Information Act is a valid request. All of our files are considered public record and can be viewed by anyone. Our file room is located on the 9th floor of the Chesapeake Building at the above address. The file room is open from 8:15 a.m. to 4:30 p.m., Monday thru Friday (except holidays). Photo coping is available at 15¢ a page with payment due in advance or at the time of copying.

The only documents in the file relating to this topic are the letters that we have written discussing this matter, but please feel free to review the files.

If you have any questions call Mr. Bob Cappiello of my staff at AC 317/232-3221.

Very truly yours,

Terry F. Gray

Terry F. Gray, Chief
Plan Review and Permit Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

RJC/ram

24315

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

MAY 21 1 33 PM '87

OFFICE OF SOLID
AND HAZARDOUS
WASTE MGMT

DEPT. TO THE ATTENTION OF:

5HS-JCK-13

18 MAY 1987

Ms. Barbara A. Magel
Karaganis & White Ltd
Attorney at Law - Suite 810
414 North Orleans Street
Chicago, Illinois 60610

RE: Freedom of Information Act Request
RIN 857-87

Dear Ms. Magel:

This is in response to your Freedom of Information Act Request received May 13, 1987, asking for documents relating to the RCRA interim and permitting status of the American Chemical Services facility in Griffith, Indiana. You were particularly interested in any RCRA inspection reports, administrative orders, notification, Part A and Part B permit applications and any permitting issuance, or denial schedule which may be pertinent to the site.

Enclosed is a detailed list on the information you requested except for the inspection reports and administrative orders. We do not have any copies of the inspection reports and administrative orders in our office. If you wish to contact the State Agency for this information, it may be obtained from:

Mr. Thomas Russell
Department of Environmental Management
Office of Solid and Hazardous Waste
105 South Meridian
Indianapolis, Indiana 46225

During a phone conversation with Ms. Ernestine Jefferson of my staff, on May 13, 1987, Ms. Jefferson asked if you would be willing to pay for research and copying fees which totaled \$62.00. You agreed to pay for this request.

Enclosed is a Bill for Collection. Please return the top portion of the form with your check or money order in the amount of \$62.00, payable to the United States Environmental Protection Agency, and forward your remittance to the address listed on the billing form.

Please contact Ms. Jefferson, at (312) 886-7439, if you have any questions or are in need of further assistance.

Sincerely,

Judy Kertcher, Acting Chief
Solid Waste Branch

cc: Thomas Russell

IND 016360 265

16 JUL 1984

SNW-13

Colonel Joseph T. Cuccaro
Director, Directorate of
Environmental Protection
Defense Logistics Agency
Defense Property Disposal Service
Federal Center
Battle Creek, Michigan 49016

Re: Freedom of Information Act request
RIN-306-84

Dear Colonel Cuccaro:

This is in response to your Freedom of Information Act request received June 19, 1984, in which you asked for information on American Chemical Services located at 420 South Colfax, Griffith, Indiana.

On June 21, 1984, Ms. Christine Klemme from the Waste Management Branch contacted your office regarding your request and was informed you were on leave. She was subsequently referred to Ms. Maureen Sullivan of your staff. Upon discussion with Ms. Sullivan, it was determined that your request can best be handled by contacting the Indiana State Board of Health at 1330 West Michigan Street, Indianapolis, Indiana 46206.

Please contact Ms. Klemme at (312) 886-3715, if you have any questions or require further assistance.

Sincerely,

Basil G. Constantelos, Director
Waste Management Division

cc: Indiana State Board of Health
American Chemical Services

bcc: N. Sullivan, OPA
C. Kavcic, WMD
American Chemical Services

file

EPA Environmental NEWS RELEASE

United States
Environmental
Protection
Agency
Region V
230 S. Dearborn St.
Chicago, IL 60604



Technical Contact: Daniel Bakk
(312) 886-3781

Media Contact: Suzanne Kircos
(312) 353-3209

For Immediate Release: May 9, 1990

No. 90-M055

EPA REACHES AGREEMENT WITH AMERICAN CHEMICAL SERVICE; LEVIES \$116,300 FINE

U.S. Environmental Protection Agency Region 5 today announced the recent signing of a consent agreement and final order with American Chemical Service, Inc., 420 Colfax Ave., Griffith, IN.

Under the agreement, the company must pay a penalty of \$116,300. It must also show evidence of liability coverage to the Indiana Department of Environmental Management by September 5, 1990, as required under the Federal Resource Conservation and Recovery Act.

The liability coverage protects against releases of hazardous waste into the environment. If American Chemical Service fails to secure such coverage, it has been ordered to stop accepting all hazardous waste and to submit a closure plan.

This agreement resolves an August 1989 administrative complaint citing the company for violations.

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FACT SHEET

American Chemical Services
Current activities under
Resource Conservation &
Recovery Act (RCRA)
and Superfund

September 1990

BACKGROUND

American Chemical Services, Inc. (ACS) is located at 420 S. Colfax Ave. in Griffith, IN. A few residences, businesses, railroad tracks, drainage ditches and marshlands are nearby.

ACS began operations in May 1955 as a solvent recovery firm. Later, the company began a chemical manufacturing operation. From 1955 to at least 1975, ACS disposed of a variety of hazardous wastes produced during company operations in an open area on ACS property. Some waste was accepted from outside sources for incineration in the ACS incinerator. Resultant ash was disposed of on ACS property.

In 1972, the Indiana State Board of Health (ISBH) responded to residents' complaints and inspected the ACS facility. From April 1972 to September 1973, ISBH tried to get ACS to improve their waste handling, spill prevention measures and site maintenance. In 1974 and 1975, ISBH responded to reports that ACS was discharging chemicals to the sanitary sewer and dumping chemicals on site.

In 1980, the State of Indiana requested U.S. Environmental Protection Agency's (EPA) involvement at the site. EPA inspections and sampling showed contamination from organic compounds in soil and ground water.

In 1984, the site was placed on EPA's National Priorities List (NPL), a roster of the nation's most serious hazardous waste sites. This listing made the site eligible for investigation and clean-up funds under the nation's Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund.

The first part of the Superfund process, the Remedial Investigation (RI), is currently underway.

RESOURCE CONSERVATION and RECOVERY ACT (RCRA) - CURRENT OPERATIONS

Actions taken at ACS are regulated under two federal laws: RCRA and CERCLA. The RCRA action to enforce RCRA liability requirements is unrelated to EPA's CERCLA (Superfund) activities.

ACS has operated as a business regulated under RCRA, the federal law that regulates operations that treat, store or dispose of hazardous substances. ACS applied for an operating permit on November 18, 1980, subject to requirements spelled out in RCRA, and was granted interim status. (Interim status, when granted, allows a company to operate until EPA makes a decision regarding the permit application.)

On August 4, 1989, a Complaint was filed by EPA against ACS to enforce a section of RCRA dealing with financial liability. (Reference: Section 3008(a)(1) of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. Section 6928(a)(1), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22.) On May 2, 1990, a Consent Agreement and Final Order was entered at EPA in which ACS was given until September 5, 1990 to obtain liability insurance as spelled out in the order. The order stated that if ACS is unable to obtain such insurance, they must immediately "cease receipt of all hazardous waste," and, within 30 days of September 5, 1990, submit to the Indiana Department of Environmental Management (IDEM) and EPA a closure plan including a closure schedule, "which addresse[s] all of its hazardous waste treatment, storage, and disposal units."

(NOTE: Current law allows ACS to request a variance from liability insurance requirements. ACS petitioned the State of Indiana for a variance. The Indiana Department of Environmental Management (IDEM) stated its intent to deny the variance request on June 29, 1990. A 45-day public comment period began on that day. A final decision on the variance request is still pending.)

FUTURE SUPERFUND ACTIVITIES

Phase I of the RI was completed in early December 1989, with the submittal of technical memoranda to EPA by ACS. Phase I results show contamination in the waste and burial areas, contaminated ground water under most areas of the site, and hazardous waste materials on-site. Phase II of the RI is completed. Phase II concentrated on determining the extent of ground-water contamination, sampling residential wells, determining the volume of hazardous substances in the waste burial areas, outlining wetlands on site, determining sediment and surface water contamination and the extent of buried waste.

Preliminary investigations show that on-site ground water is contaminated with benzene, xylene, toluene, methylene chloride and various semi-volatile compounds. Off-site residential wells are not contaminated.

The RI report is due October 1990. After the final report is complete and accepted by EPA, results will be made public. The second part of the RI/FS process, the Feasibility Study, will concentrate on addressing appropriate methods of site clean-up.



FACT SHEET

American Chemical Services Site,
Griffith, Indiana

INTRODUCTION AND BACKGROUND

JANUARY 1990

The U. S. Environmental Protection Agency (EPA) Region 5 and approximately 125 potentially responsible parties (PRPs) signed a consent order, which took effect June 1988. This agreement calls for the PRPs, comprised of local and multinational companies, to conduct a long term study of the site under the close supervision of EPA.

The study, which is currently in progress, is called a remedial investigation/feasibility study (RI/FS). The RI portion of the study will concentrate on determining the type and extent of contamination present at the ACS site. The FS portion will compile the information gathered during the RI and use it to recommend the best method for cleaning up the contamination at the site.

PROGRESS TO DATE

The work plan used to conduct the RI/FS was approved by EPA in June of 1989. The work plan outlines several tasks to be completed by the PRPs during the RI/FS process. The RI for the site was split into two phases, the first phase (Phase I) was completed in November 1989. The second phase (Phase II) is scheduled to begin in mid-January.

During Phase I, a review of available information was conducted which included state records and information provided by ACS, a site grid was established and a geophysical survey was conducted to help establish the boundaries of waste burial areas and to discover any unknown areas of waste burial. As part of the groundwater investigation at the site, 43 piezometers (small wells used to determine groundwater flow direction), 6 monitor wells and 4 leachate wells were installed at the ACS site. The leachate wells were installed inside of the City of Griffith Landfill. As part of the surface water investigation for the site, 11 surface water/sediment samples were taken from various points in the adjoining wetland to gather an initial evaluation of the impact the site has had on the local surface water features. As part of the soil sampling effort for the site, 35 soil samples from 22 locations were collected from various locations at the site. Waste characterization sampling was also conducted at the site. Samples were obtained both inside and outside of the operating ACS facility compound to achieve an understanding of the composition of the waste materials which have been buried at the site. During the waste sampling effort for Phase I, 7 test pits were dug, and the 4 leachate wells installed in the City of Griffith Municipal Landfill were sampled.

Also during Phase I, 18 geotechnical samples and exercises were completed to gain an understanding of the engineering properties of the soils and groundwater associated with the site. Prior to the completion of Phase I, an environmental audit of the ACS operating facility was conducted to help in determining whether the existing site operations were contributing to the environmental contamination at the site.

To obtain more detailed information concerning the results of the sampling and the location of the samples taken during the first phase of the RI, please reference the Technical Memoranda (TM) for Phase I. The TMs for the first phase are available at the information repositories listed below.

PHASE II ACTIVITIES

In the second phase of the RI, the PRPs will be focusing on the following:

- ° Determining the full extent of contamination in the shallow groundwater;
- ° Installing and sampling deep groundwater test wells;
- ° Taking additional soil samples to delineate soil contamination in the surface and subsurface;
- ° Taking additional wetland sediment samples;
- ° Sampling 10 local residential wells in both the shallow and deep groundwater;
- ° Conducting computer modeling of the groundwater system; and
- ° Collecting an additional 20 waste samples;

Information on the activities to be conducted in Phase II of the RI can be obtained from the RI/FS work plan and supplemental work plan for Phase II at the information repositories listed below.

AVAILABLE INFORMATION

Anyone desiring further information about the RI/FS process or other site related activities is encouraged to review the various documents that have been prepared for the site. Copies of the documents listed in this fact sheet, the community relations plan and technical reports are available at the following information repositories for the ACS site.

The information repositories are located at:

Griffith Town Hall
111 North Broad Street
Griffith, Indiana

The following EPA personnel may be contacted for further information:

~~Art Casier~~ *Karen Martin*
Community Relations Coordinator
Office of Public Affairs
U.S. EPA (5PA-14)
230 South Dearborn St.
Chicago, IL 60604
(312) 886-6128

Robert E. Swale
Remedial Project Manager
Office of Superfund
U.S. EPA (5HS-121)
230 South Dearborn St.
Chicago, IL 60604
(312) 886-5116

Toll Free: 1-800-621-8431, 9 a.m. - 4:30 p.m. CST

MAILING LIST ADDITIONS

If you did not receive this fact sheet in the mail, then you are not on EPA's mailing list for the American Chemical Services Superfund Site. If you would like your name added to the list, Please fill out this form or something similar and mail it to:

~~Art Casier~~ *Karen Martin*
U.S. EPA (5PA-14)
230 South Dearborn Street
Chicago, IL 60604

NAME: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
TELEPHONE: _____



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

RECEIVED

NOV 19 1990

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

Legal Advertising Department
Hammond Times
417 Fayette Street
Hammond, Indiana 46320

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

November 16, 1990

Re: Public Notice of Closure
American Chemical Services, Inc.
IND 016360256

Dear Sir/Madam:

265

Enclosed is a copy of our public notice regarding closure of a hazardous waste storage & treatment facility located at Griffith, Indiana. Please publish this notice, one time, on November 28, 1990.

Please provide a notarized form and clippings showing the date of publication. All charges should be billed to the Department of Environmental Management, Office of Solid and Hazardous Waste Management. If a separate invoice is sent, be sure to include the publication date of the notice on the invoice.

Your timely attention to this matter is appreciated.

Sincerely,

Jayne E. Browning for

Victor P. Windle, Chief
Plan Review and Permit Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

MJM/go

Enclosure

cc: Ms. Kathy Prosser, Commissioner (with enclosure)
Ms. Glynda Oakes
Office of External Affairs (with enclosure)
Mr. Steve Gale, Voucher Section (with enclosure)
Mr. Hak Cho, U.S. EPA, Region V (with enclosure)
Ms. Fayola Wright, U.S. EPA, Region V (with enclosure)

PUBLIC NOTICE

The Commissioner of the Indiana Department of Environmental Management has received a total closure plan from American Chemical Services, Inc., Griffith, Indiana, U.S. EPA, ID No. IND 016360256. The company originally notified the U.S. EPA as a hazardous waste storage and treatment facility with the following activities: container storage, (S01); solvent & fuel recycling equipment, (T04); tank storage, (S02). The plan proposes the elimination of all of these hazardous waste storage and treatment units.

Pursuant to 329 IAC 3-21, the Commissioner is providing the owner or operator and the public an opportunity to submit written comments and/or request modifications of the plan within thirty (30) days of the date of this notice.

Corrective action response letters have been sent to the facility to elicit information to ensure that there have been no uncorrected releases concerning hazardous wastes or hazardous waste constituents to the environment from any existing or former solid waste management units. This is to fulfill the U.S. EPA's obligation under the Hazardous and Solid Waste Amendments of 1984.

The Commissioner can also, in response to a request, hold a public hearing whenever such a hearing might clarify one or more issues concerning the plan or issues involving releases of hazardous waste or hazardous waste constituents from the facility. The Commissioner will give public notice of the hearing at least thirty (30) days before it occurs.

The closure plan and related background documents are available to the public for inspection and copying at the Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, 105 South Meridian Street, Room 901, Indianapolis, Indiana, from 8:15 a.m. to 4:30 p.m., Monday through Friday. The plan is also available at the Griffith Public Library, 940 North Broad, Griffith, Indiana 46319.

Persons wishing to comment on the plan should submit such comments in writing to:

Mr. Thomas E. Linson, Chief
Hazardous Waste Management Branch
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015

For additional information, contact Mr. Mitch Mosier at AC 317/232-4534.

STATE OF INDIANA



INDIANAPOLIS, 46225

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Street

RECEIVED

AUG 22 1986

SWB - AIS
U.S. EPA, REGION V

News Director
Hammond Times
417 Fayette Street
Hammond, IN 46320

Re: Public Notice of Closure

Dear News Director:

I have enclosed a copy of our public notice of closure for American Chemical Service, Inc., EPA I.D. No. IND 016360265. Please publish this notice, one time, no later than August 29, 1986.

Please send me a notarized form and clippings showing the date of publication. Also, send the billing to my attention.

Very truly yours,

David D. Lamm
Assistant Commissioner for
Solid and Hazardous Waste Management

DEW/tjd
Enclosure

cc: Ms. Nancy Maloley (with enclosure)
Mr. Dave Wagner (with enclosure)
Mr. Wayne Penrod (with enclosure)
Ms. Lisa Kobe (with enclosure)
Mr. Hak Cho, U.S. EPA (with enclosure)
Ms. Pat Vogtman, U.S. EPA (with enclosure)

COPY 2

PUBLIC NOTICE

The Commissioner of the Indiana Department of Environmental Management has received a partial closure plan from American Chemical Service, Inc., IND 016360265, 420 South Colfax Avenue, Griffith, Indiana 46319. The company originally notified the U.S. Environmental Protection Agency as a treater and storer of hazardous waste with the following hazardous waste activities: drum storage, tank storage, and treatment. The plan proposes the elimination of the following hazardous waste activities: solids mixing area (waste pile). This activity was not included in their notification to the U.S. EPA.

Pursuant to 320 IAC 4.1-21, the Commissioner is providing the owner or operator and the public an opportunity to submit written comments on the plan and request modifications of the plan within thirty (30) days of date of this notice. Corrective action response letters have been sent to the facility to elicit information to ensure that there have been no uncorrected releases concerning hazardous wastes or hazardous waste constituents to the environment from any existing or former solid waste management units. This is to fulfill the U.S. EPA's obligation under the Hazardous and Solid Waste Amendments of November 8, 1984.

The Commissioner can also, in response to a request, hold a public hearing whenever such a hearing might clarify one or more issues concerning the plan or issues involving releases of hazardous waste or hazardous waste constituents from the facility. The Commissioner will give public notice of the hearing at least thirty (30) days before it occurs.

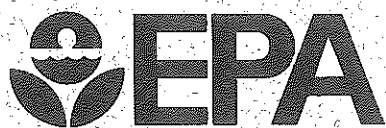
The plan and related background documents are available for inspection and copying by the public at the Indiana Department of Environmental Management, 105 South Meridian Street, Indianapolis, Indiana, from 8:15 a.m. to 4:45 p.m., Monday through Friday. The plan is also available at the Lake County Health Department, 2293 North Main Street, Crown Point, Indiana 46307.

Persons wishing to comment on the plan should submit such comments in writing to:

Mr. David D. Lamm
Assistant Commissioner for
Solid and Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street
Indianapolis, IN 46225

For additional information, contact Mr. Dennis E. Williamson at
AC 317/232-3221.

0300D



United States
Environmental Protection
Agency

Office of Public Affairs
Region 5
230 South Dearborn Street
Chicago IL 60604

Illinois Indiana
Michigan Minnesota
Ohio Wisconsin

American Chemical Services, Inc. Griffith, Indiana May 1989

Remedial Investigation/Feasibility Study Superfund Remedial Program Fact Sheet

Public meeting precedes investigation activities

This fact sheet...

- announces a public meeting.
- presents site background and diagram.
- describes RI/FS process for the site.
- offers opportunity to obtain additional site information.
- defines bold-faced site terminology in glossary section.
- explains Superfund Remedial Program.

Members of the community of Griffith are invited to attend a public meeting sponsored by the U.S. Environmental Protection Agency (U.S. EPA). The meeting will serve as a forum to discuss upcoming activities at the American Chemical Services, Inc. (ACS) site. The public meeting will be:

Wednesday, May 24, 1989
7:00 P.M.
Griffith Town Hall
111 North Broad Street
Griffith, Indiana

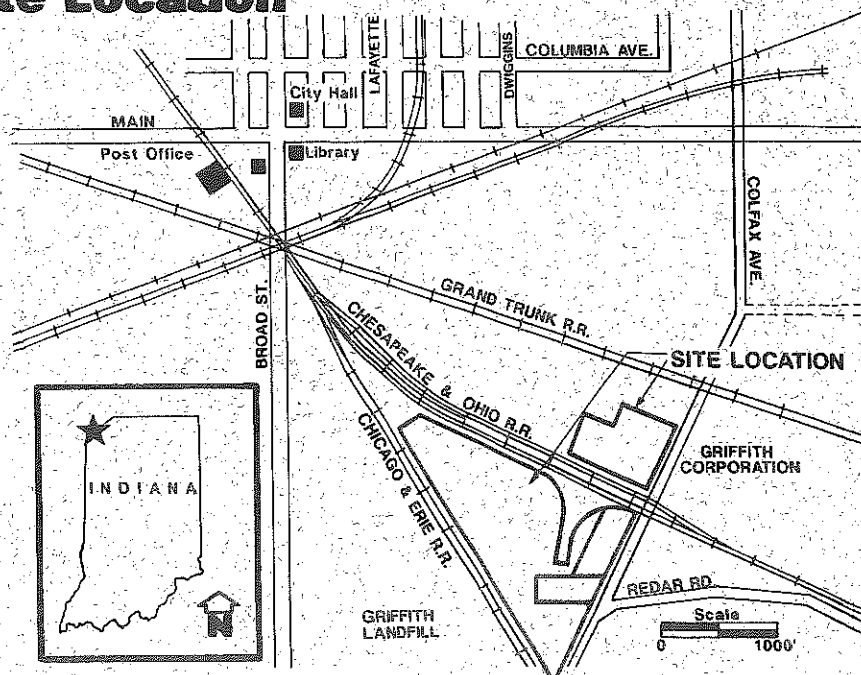
U.S. EPA personnel currently involved with the site will present information and respond to questions regarding on-site activities, proce-

dures, and reports to remedy the contamination.

A group of approximately 150 companies, U.S. EPA identified as potentially responsible parties, agreed to conduct the Remedial Investigation/Feasibility Study (RI/FS). An RI is a long-term study to identify the nature and extent of contamination, and an FS evaluates remedial alternatives for site conditions.

All work performed or authorized by the group of companies is subject to guidelines and supervision of the U.S. EPA and Indiana Department of Environmental Management (IDEM). Field work is expected to begin in early June 1989.

Site Location



RI/FS determines contamination, provides

An RI is a carefully designed field study that includes extensive sampling and laboratory analysis. Analysis of the samples collected from a site generate precise data on the types, locations, and quantities of wastes; the soil type and water drainage patterns; and resulting environmental or health threats.

Remedial actions have to be tailored exactly to the needs of each individual site. The FS analyzes those needs, and evaluates clean-up alternatives on the basis of their effectiveness and cost.

The RI/FS are two distinct but related studies, and are commonly performed at the same time. According to the ACS work plan, approved by the U.S. EPA and IDEM, the RI/FS will be conducted concurrently to utilize the most current information, and minimize data overlaps and gaps. The RI process for the ACS site is estimated to last approximately 12 months, and completion of the FS report will require an additional 10 months.

The following information briefly describes the on-site activities of the RI.

Problem definition

Personnel will gather information to help define the origin, history, nature, and extent of the environmental problems. Residential, municipal, and industrial wells will be analyzed. The site boundary will also be surveyed.

All information gathered will form a data base to be used for the selection of specific remedial actions during the drafting of the FS.

Hydrogeologic investigation

After the problem areas have been outlined, the ground water flow directions in the shallow aquifer will be determined. Regional ground water flow in the vicinity of ACS is reportedly to the northeast, however, due to several features near the site, flow patterns on site are not well defined.

Installation of ground water monitoring wells will determine the vertical and horizontal directions of ground water flow, and the extent of contamination.

Samples of surface water and sediment will be collected and analyzed to assess the possibility of contaminants migrating to the marshlands west of ACS.

Near surface contamination investigation

Additional information is required regarding the volume, concentration, and characteristics of waste disposed at ACS. Samples will be collected from the surface of known disposal areas and the natural soil underlying the waste.

Test pits and borings will be used to collect waste and natural soil samples in areas known to contain buried drums.

Site characterization

Based on the results of the work listed above, installation of additional monitoring wells and collec-

Site background

ACS begins as solvent recovery firm

ACS is located at 420 South Colfax Avenue, Griffith, Lake County, Indiana. Located in the immediate vicinity of the site are a few residences, railroad tracks, drainage ditches, and marshlands.

ACS began operations in May 1955 as a solvent recovery firm. Later, the company began a chemical manufacturing operation. From 1955 to at least 1975, ACS disposed of a variety of hazardous wastes produced during company operations in an open area, known as the containment area, on ACS property. Some waste was accepted from outside sources for incineration in the ACS incinerator. The ash was also disposed of on ACS property.

In 1972, Indiana State Board of Health (ISBH) responded to residents' complaints and inspected the ACS facility. From April 1972

to September 1973, ISBH attempted to achieve improved waste handling, spill prevention measures, and site maintenance. In 1974 and 1975, ISBH also responded to reports that ACS was discharging chemicals to the sanitary sewer and dumping chemicals on site.

U.S. EPA involvement

U.S. EPA involvement was initiated in 1980 at the request of the State of Indiana. Sample results from U.S. EPA inspections and four monitoring wells on ACS property indicated the soil and ground water are contaminated with organic compounds.

In 1983, the site was placed on the National Priorities List (NPL). The NPL is U.S. EPA's list of the most serious hazardous waste sites

identified for long-term remedial action under **Superfund**.

U.S. EPA defined the site to include the inactive portion of the Griffith Landfill and the property previously owned by Kapica Drum, Inc.

The majority of the remedial action will occur on ACS property because of ACS' documentation regarding hazardous waste disposal at the site, and information gathered during the NPL listing process. However, existing information refers to ACS disposing hazardous wastes in the Griffith Landfill. Additional references concern drum and drum-cleaning residues from Kapica Drum being disposed of on ACS property adjacent to Kapica Drum, and in the Griffith Landfill (please refer to the site diagram on page 3).

alternatives

ion of additional soil samples may be required.

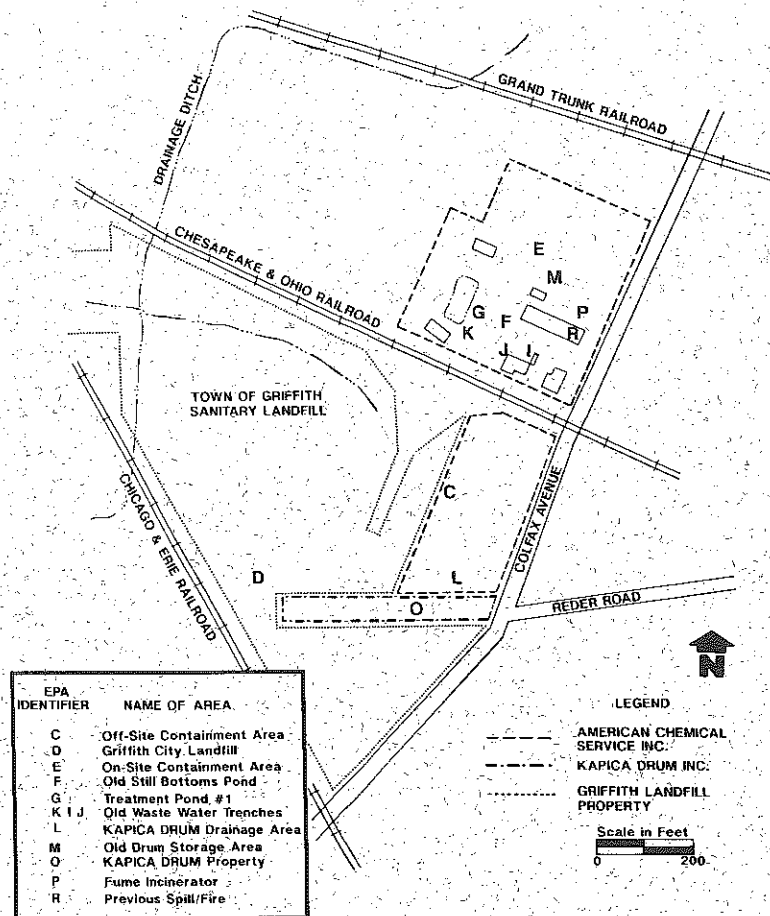
A ground water model will be developed. A model is a means of representing a simplified form of reality to help scientists understand and manage the resource. The model will assist to formulate questions and obtain answers.

Feasibility Study

Alternatives to resolve the contamination problems will be based on the findings of the RI. The alternatives will be described and evaluated in the FS report. Upon approval of the FS, U.S. EPA and IDEM will select a preferred alternative that is both environmentally sound and cost effective.

U.S. EPA will announce the preferred alternative, also referred to as the proposed plan, and provide interested groups and individuals the opportunity to comment. Following the public comment period, U.S. EPA will review and evaluate the comments and select a final remedy for the site.

Site Diagram



For additional information

Anyone desiring additional information about the RI/Fs process or the specific activities proposed for the ACS site is encouraged to review the various U.S. EPA documents that have been assembled for the site.

Copies of the applicable Superfund laws, the work plan for activities at the site, and the community relations plan are available at:

Griffith Town Hall
111 North Broad Street
Griffith, Indiana

As they are completed, additional RI/FS documents will be placed in the repository.

For additional information please contact Arthur Gasior, U.S. EPA Community Relations Coordinator. Phone (312) 886-6128 or Toll Free, 800-621-8431 (9:00 A.M. to 4:30

P.M., Central Time).
For technical information, contact:

Robert Swale, SHS-11
Remedial Project Manager
Remedial and Enforcement
Response Branch

U.S. EPA - Region 5
230 South Dearborn Street
Chicago, Illinois 60604
Phone: (312) 886-5116

Mailing list opportunity

To be placed on the mailing list to receive information regarding the ACS site, please complete and mail this form to:

Arthur Gasior
Community Relations Coordinator
Office of Public Affairs
U.S. EPA - Region 5
230 South Dearborn Street
Chicago, Illinois 60604

American Chemical Services Site, Griffith, Indiana
Please place my name on the mailing list.

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

AFFILIATION: _____

TELEPHONE: (____) _____

Glossary

Extent of contamination

Survey to determine how far and at what levels of concentration a contaminant has moved from one location to another within the general area of the site. These studies can be conducted strictly on site and/or the areas surrounding the site. At the ASC site, the study will include off-site areas.

Monitoring wells

Wells installed at specific locations for sampling at various depths. Analysis of samples de-

termine contamination and the direction and extent of contamination movement.

Organic compounds

This term is used to designate chemicals and substances that contain carbon. To date nearly one million organic compounds have been synthesized or isolated. Many organic compounds are produced by chemical synthesis.

Remedial

A long-term action that stops or substantially reduces a release or

threat of a release of hazardous substances that is serious but not an immediate threat to public health.

Superfund

Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, known as Superfund) in 1980, to respond directly to hazardous waste problems that may pose a threat to the public and the environment. The U.S. EPA administers the Superfund program.

Superfund Program's Remedial Process

Congress established the Superfund program in 1980 to investigate and clean up actual and potential releases of hazardous substances.

In 1986, Congress reauthorized the program under the Superfund Amendments and Reauthorization Act (SARA).

Preliminary Assessment

The process usually begins with a Preliminary Assessment (PA) of the site. A PA determines if a threat or potential threat exists and initiates further necessary actions.

After the PA, U.S. EPA and/or state agencies conduct a Site Inspection (SI) to evaluate the site for its potential impact on public health and the environment.

National Priorities List

By using a system designed to

rank the hazards associated with a site, U.S. EPA identifies sites to be proposed for the National Priorities List (NPL). The NPL is a roster of the nation's most serious uncontrolled or abandoned hazardous waste sites.

Remedial Investigation/Feasibility Study

The Remedial Investigation/Feasibility Study (RI/FS) examine the type and extent of contamination and identifies possible remedies or alternatives for site conditions.

Upon approval of the RI/FS reports, the U.S. EPA selects a preferred alternative and incorporates it in a Proposed Plan. U.S. EPA announces the Proposed Plan and schedules a public comment period.

Record of Decision

Following the comment period U.S. EPA develops a Record of Decision (ROD). A ROD is a public document that explains which clean-up alternative will be used at NPL sites. A ROD is based on information generated during the RI/FS and consideration of public comments and community concerns.

Remedial Design and Remedial Action

A Remedial Design (RD) is an engineering phase that follows the ROD where technical drawings and specifications are developed for the subsequent Remedial Action (RA). The RA is the actual construction or implementation phase of the selected clean-up alternative.



United States Environmental
Protection Agency
Region 5

Official Business
Penalty for Private Use
\$300

Office of Public Affairs
230 South Dearborn Street
Chicago Illinois 60604



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Public Notice

The Indiana Department of Environmental Management (IDEM) is hereby giving notice of their intent to deny a variance request from the Liability Requirements, for American Chemical Services, IND 016360265, located in Griffith, Indiana. This notice is given in accordance with Rule 329 IAC 3-39-6. The IDEM is inviting public comments on the ability of American Chemical Services, Inc. to comply with the applicable hazardous waste management variance standards of 329 IAC 3-22-24(c).

A public hearing on the intent to deny a variance request is scheduled to be held on August 9, 1990, in the Hammond City Council Chambers, Hammond City Hall, 5925 Calumet Ave., Hammond, Indiana. The hearing will start at 7 p.m., and continue until all persons who have registered, have an opportunity to present their comments for the record. Speakers should register by 7:00 p.m. that evening, limit their oral presentations to five (5) minutes, and submit two (2) copies of their oral presentation in written form.

The public comment period may be extended by the IDEM Commissioner, if an extension of time is deemed necessary to facilitate additional public comment.

Written comments on the variance request will be accepted by the IDEM during the public comment period which begins on June 29, 1990, and ends on August 13, 1990. All comments or requests concerning the variance request must be postmarked by August 13, 1990, and should be sent to:

Mr. Thomas E. Linson, Chief
Hazardous Waste Management Branch
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015

After the close of the public comment period, the IDEM will evaluate all comments received before issuing a final decision. Each person who presented oral testimony at the hearing, submitted written comments, or requested notice of the decision will receive notice of the final decision. The final decision will also include a reference to the procedures for appealing the decision. The State procedures for public comment and hearings are found in Rule 329 IAC 3-39-7.

Porter County

Griffith firm fined

Must meet EPA terms

The Associated Press
and Post-Tribune

American Chemical Services of Griffith has been fined \$116,300 and ordered to obtain liability insurance for it to continue to operate.

The U.S. Environmental Protection Agency announced the fine and terms of a consent agreement with the chemical company during the weekend.

The agreement calls for American Chemical Services to show evidence of liability coverage to the Indiana Department of Environmental Management by Sept. 5, as required under the Federal Resource Conservation and Recovery Act.

The liability coverage protects against releases of hazardous waste into the environment. If American Chemical Services fails to secure such coverage, it has been ordered to stop accepting all hazardous waste and to submit a closure plan.

The agreement resolves an August 1989 administrative complaint citing the company for violations.

American Chemical Services was one of 10 Northwest Indiana factories listed among the nation's 500 worst sources of toxic pollution in 1987, according to a report by the National Wildlife Federation.

The report showed American

Fined

... from Page B1

as 30,000 drums of chemical waste are believed buried on the site, authorities have said.

Drainage from the site seeps into the adjacent Griffith landfill operated by the town of Griffith. Leachate — water that drains from the garbage and debris in the landfill — is emptied into sewers for treatment at the Hammond Sanitary District sewage plant.

The other Superfund sites in Northwest Indiana are Midco I, Midco II and the 9th Avenue dump in Gary and Waste Inc., in Michigan City.

Phyllis

Here is the entire section of the Gary Post Tribune that you and I were talking about. I highlited a few of the names and then thought better of doing any more. Get it to the proper person, give my name and phone number and mention that I have pictures of the barrells landfilled At ACS.

Hope it is of help.

Dick Cleaton

JOHN H. CHAFFET RHODE ISLAND
ANDREW R. SIMPSON WYOMING
JAMES A. ABRAHAM SOUTH DAKOTA
S. IVE SYMMES IOWA
GORDON HUMPHREY NEW HAMPSHIRE
PATRICIA DOLAN NEW MEXICO
DAVE DURLINGER MINNESOTA

LLOYD BENTSEN TEXAS
QUINTIN N. BURDICK NORTH DAKOTA
GARY HART COLORADO
DANIEL PATRICK MOYNIHAN NEW YORK
GEORGE J. MITCHELL MA
MAX BAUCUS MONTANA
FRANK R. LAUTENBERG NEW JERSEY

BAILEY GUARD STAFF DIRECTOR
LEE D. FULLER MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510

100-8-85
70-1-1-11

September 30, 1985

The Honorable Lee M. Thomas
Administrator
U.S. Environmental Protection Agency
401 M Street, N.W.
Washington, D.C. 20460

RE: Proposed Regulations Regarding
the Burning and Blending of
Wastes, 50 Fed. Reg. 1684
(January 11, 1985)

Dear Lee:

This letter concerns the above-referenced proposed rule and the generally difficult issue of how to control the recycling of hazardous wastes. The obvious difficulty is how to assure that such wastes are managed in an environmentally sound manner while, at the same time, assuring that there are adequate incentives and support for the legitimate and beneficial recycling of hazardous wastes.

The distinction between legitimate and "sham" recycling operations is often a difficult one. For this reason, your Agency has properly refused to grant blanket exemptions from regulation under the Resource Conservation and Recovery Act (RCRA) to all "recyclers" of hazardous wastes. However, it is imperative that regulatory decisions under RCRA not act as a barrier to legitimate and beneficial recycling. Too often, the substitute for recycling is land disposal, the least preferred alternative.

An example of this problem has recently been brought to my attention. It concerns the above-referenced proposed rule and a recycling process developed by Cadence Chemical Resources, Inc..

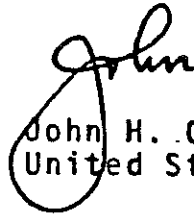
The recycling process results in the manufacture of Cadence Product 312, which is produced from liquid organic hazardous wastes and used as a chemical feedstock in iron-making blast furnaces. The above-referenced regulations and accompanying preamble language, however, evidence an intent on the part of EPA to regulate not only the handling of the hazardous wastes in the production of Cadence Product 312, but to similarly regulate and to require a RCRA permit for the use of the product that is derived from the hazardous waste. Regulation of the original recycling process under RCRA is

entirely appropriate. However, from the limited information that has been presented to me, it appears that requiring a RCRA permit to use the product goes well beyond that which is necessary to protect human health and the environment and will have the effect of presenting unnecessary barriers to legitimate and beneficial recycling of the hazardous wastes that are being used to produce Cadence Product 312.

I am confident that you and your staff have carefully considered this issue and are sensitive to the need for increased recycling. Nevertheless, the implications of this proposed rule, as outlined in this letter, are troubling and I would greatly appreciate some insight into the decision-making process regarding these proposed regulations. Specifically, it would be helpful to know how and why EPA is considering to regulate Cadence Product 312 as a hazardous waste. Your views on the difficult issue of controlling the recycling of hazardous wastes generally would also be appreciated.

Thank you for your prompt attention to this matter. I look forward to hearing from you soon.

Sincerely,



John H. Chafee
United States Senator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE: September 5, 1985
SUBJECT: Another confidentiality claim by American
Chemical Services on RCRA Part B information
FROM: Greg Weber - 886-0221
TFB
TO: Roger Field
ORC

On April 19, 1985, your denial of American Chemical Service's claim of business confidentiality was sent to the applicant and it failed to appeal. On May 14, 1985, a notice of deficiency was sent to the applicant requesting information to make the application complete. This information arrived on August 22, 1985, with each page stamped "Confidential". This information would not ~~be~~ hold up to a confidential determination, however do the same type of confidentiality letters go out again?

ACS

Aug 16, 1985

Revised Part B Application
James Tarpo

ACS, Inc.
P.O. Box 190
Griffith, IN
46319

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APR 19 1983

James Tarpo, President
American Chemical Services
P.O. Box 199
Griffith, Indiana 46319

Re: Confidentiality Determination
Regarding RCRA Part B Application
For Facility at 420 S. Colfax Ave.,
Griffith, Indiana

Dear Mr. Tarpo:

Enclosed is my determination of your claim of business confidentiality for information in your RCRA Part B Application.

You will note that this claim has been denied because of your failure to respond to our letter of February 9, 1983 concerning substantiation of your claim.

If you wish to appeal this determination, you must file suit in U.S. District Court for judicial review of the determination and to obtain preliminary injunctive relief within ten (10) days after you receive this letter.

If you have any questions, please call Rodger Field of my staff at 312/886-6667.

Very truly yours,

Robert B. Schaefer
Regional Counsel

Enclosure

bcc: ✓ Greg Weber



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

16 February 1985

MEMORANDUM

SUBJECT: American Chemical Confidentiality Claim

FROM: Mary A. Gade, Chief *mlg*
Solid Waste & Emergency Response Branch

TO: Edith Ardiente, Chief
Technical Program Section

In your recent memorandum, you requested that I assign an attorney to address a claim of business confidentiality made by American Chemical Service, Inc. of Griffith, Indiana on portions of the facility's RCRA Part B permit application. This is to advise you that Rodger Field, of my staff, has been assigned to this matter.

If I can be of further assistance, please call me at 6-6851.

cc: Weber
Field
✓cho

RECEIVED
FEB 19 1985
WASTE MANAGEMENT
BRANCH



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

Date: March 3, 1998

Subject: Withdrawal of CBI Claim
American Chemical Services - IND 016 360 265
RIN 0033-98

From: 
Terri J. Rancher, EPS

To: Sharon Kiddon, RCRA DCO
Grace Co, Asst. RCRA DCO

On March 2, 1998, I spoke with James Tarpo, President and General Manager of American Chemical Services (ACS) regarding a Technical Enforcement Support report prepared as the result of a 9/30/87 Land Disposal Restriction Inspection. This document was sent to Augusta Bloom (U.S. EPA) on 10/22/87 from Jack Kratzmeyer (Metcalf & Eddy). Since that time, the report has been maintained in the RCRA CBI Room for security purposes. During my 3/2/98 conversation with Mr. Tarpo, it was determined that ACS never asserted a CBI claim, but the U.S. EPA Contractor, Metcalfe & Eddy, did so in the interest of ACS. As of today (3/3/98) the CBI claim has been withdrawn.

Copy 1 of 4 of this document, which contains original color photos, will be stamped for "release" and will be filed with the other records for ACS. Copy 2 of 4 will be stamped for 'release' and will be mailed in response to RIN 0033-98.

Please contact me at 6-4188 with any questions.

Thank you.

APR 16 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James Tarpo, President
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

Re: Waiver of Claim of Business Confidentiality For
Business Information Provided to the United States
Environmental Protection Agency (U.S. EPA)

Dear Mr. Tarpo:

On February 12, 1987, you received a letter from U.S. EPA providing notice of an opportunity to submit comments substantiating the American Chemical Services, Inc. claim of business confidentiality for business records pertaining to the Revised Part A of its Hazardous Waste Permit application, and submitted to the U.S. EPA on August 14, 1985. The notice informed your firm that comments must be made within fifteen days unless a request for an extension of time was made and granted by U.S. EPA. No such request was made by your firm.

The notice also informed your firm that a failure to submit comments shall be construed as a waiver of its claim of confidentiality pursuant to 40 C.F.R. Part 2.205(d)(1). On March 13, 1987, Mary Ann Starus of my office contacted you in regard to the comments to be submitted by your firm. Ms. Starus was informed that your firm had not sent, nor did it intend to send, comments to substantiate its claim of business confidentiality.

Based on the foregoing, and pursuant to 40 C.F.R. Part 2.205(d)(1), the American Chemical Services, Inc. claim of business confidentiality for the above mentioned business records has been determined to have been waived. Therefore, these documents are not entitled to the treatment given to confidential business information.

RECEIVED
5CS-16
APR 17 1987
U.S. EPA, REGION V

Please feel free to contact Mary Ann Starus of my office at 312/353-3218 if you have any further questions.

Sincerely,

Robert B. Schaefer
Regional Counsel

bcc: R. Hartian, 5PA
C. Puchalski, 5CS
A. Bloom, 5HS ✓
K. Waldvogel, 5HE
A. Altur, 5HR
M. Starus, 5CS

OCT 22 1985

5C-16

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Tarpo
American Chemical Services, Inc.
P.O. Box 190
Griffith, Indiana 46319

RE: Notice of Opportunity to Submit Comments Substantiating
Claim of Business Confidentiality for Your Revised RCRA
Part B Application Dated August 16, 1985.

Dear Mr. Tarpo:

I am writing in response to your assertion of a business confidentiality claim made in conjunction with your revised RCRA Part B application dated August 16, 1985. As Bernard Landman of my office discussed with you in a phone conversation of October 16, 1985, the Office of Regional Counsel is now in the process of making a determination if any of the information subject to your claim is entitled to confidential treatment.

Pursuant to 40 C.F.R. §2.204(d) and (e), your company has the right to submit comments in support of its claim of confidentiality. These comments must be received by this office no later than fifteen working days following receipt of this notice. The comments should be addressed to Robert B. Schaefer, Regional Counsel, Attn: Bernard Landman, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Failure to comment within fifteen working days will be construed as a waiver of your claim of confidentiality under 40 C.F.R. §204(e)(1). Should extraordinary circumstances necessitate a time extension, please refer to the procedures stated at 40 C.F.R. §2.205(b) which must be initiated prior to the expiration of the fifteen working days.

Please include in your comments complete information on the following:

1. The portions of the application which you still assert are entitled to confidential treatment.

BL ORC 10/17/85

JPW
10/18/85

NOTE - Act 10/17/85
NOTE - Act 10/17/85
NOTE - Act 10/17/85

2. The period of time for which confidential treatment is desired (e.g. until a certain date, until the occurrence of a specified event, or indefinitely).
3. The extent to which the information claimed to be confidential has been disclosed to organizations or individuals other than EPA and its agents;
4. Measures which have been taken to guard against undesired disclosure of the information contained in the application;
5. Pertinent confidentiality determinations, if any, by EPA or any other Federal agency or court (supply a copy of any such determination, or reference to it, if available);
6. Whether you assert that disclosure of the information would be likely to result in substantial harmful effect on American Chemical Service's competitive position and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

The burden of proving that information subject to a claim of confidentiality is entitled to confidential treatment is on the party asserting the claim. 40 C.F.R. §2.208(e)(1). Consequently, substantiation consisting of merely a brief, conclusory statement that disclosure could reveal privileged, financial, or commercial information to competitors is an insufficient basis for a determination that release of any or all of the information would cause harm to American Chemical Service's competitive position.

Specific information is required to support your claim. You should explain for each item claimed as confidential how release of this information could substantially harm American Chemical Service's competitive position. For example, if you assert that knowledge of a particular item is a trade secret you should explain exactly what the item is, why it is not general knowledge, and how release of it could be used to harm your competitive position. For additional guidance, I suggest that you familiarize yourself with the provisions in 40 C.F.R. Part 2 concerning business confidentiality.

You may also assert a business confidentiality claim covering all or part of any comments which you submit to substantiate your claim. These comments claimed as confidential should be clearly identified. Comments that have been indicated as confidential are entitled to confidential treatment. 40 C.F.R. 2.203(a), 41 FR 36902, Sept. 1, 1976.

-3-

Please feel free to contact Bernard Landman, at 312/886-5323,
if you have any questions.

Sincerely,

Robert B. Schaefer
Regional Counsel



American Chemical Service, Inc.

P.O. Box 190 • Griffith, Indiana 46319
(219) 924-4370 • Chicago Phone (312) 768-3400

Dave T

October 28, 1985

Robert B. Schaefer, Regional Counsel
U.S. EPA - Region V
230 South Dearborn St.
Chicago, IL 60604

Re: Notice of Confidential Business
Information Claim and Opportunity
to Comment

Dear Sir:

We are withdrawing our claim of confidentiality
pertaining to our response to your January 18, 1985
Request for Information.

Yours very truly

American Chemical Service, Inc.



James Tarpo
President

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN RE:)	
)	REGIONAL COUNSEL'S
AMERICAN CHEMICAL SERVICES)	CONFIDENTIALITY
Griffith, Indiana)	DETERMINATION
)	

On or about August 16, 1982, American Chemical Services, Inc., (hereinafter "the Company") submitted to the U.S. Environmental Protection Agency, Region V ("U.S. EPA") a Part B application for a permit to operate a hazardous waste management facility at 420 S. Colfax Avenue, Griffith, Indiana pursuant to Section 3007 of the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. §6705 and 40 CFR Part 270. (The original submittal and subsequent supplemental responses will hereinafter be referred to as the "Part B application.").

The Part B application submitted by the Company contains numerous pages for which a claim of business confidentiality has been asserted.

On February 9, 1983, U.S. EPA mailed to Mr. James Tarpo, the Company's President, a written notice and opportunity to submit comments in substantiation of the claim for confidentiality. This letter, which was sent by certified mail, return receipt requested, was mailed pursuant to 40 CFR §2.204(e).

The Agency thereafter received a return postal receipt, signed by Mr. Tarpo, indicating that the Company received said letter of substantiation on February 10, 1983.

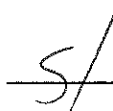
The letter of substantiation directed the Company to respond within fifteen working days following receipt as provided in 40 CFR §2.204(e)(2). No extension of the time to respond has been granted by the Agency. The Company has failed to provide comments or otherwise respond to the Agency's February 9, 1983 letter.

Applicable regulations provide that failure to respond to the letter of substantiation within fifteen working days after receipt will be construed as a waiver of the claim of confidentiality. 40 CFR §2.204(e)(1). The Company was advised of the consequences of failure to provide comments.

Inasmuch as the Company has failed to respond to the letter of substantiation, I hereby deny the Company's claim of confidentiality with respect to its Part B application pursuant to 40 CFR §2.204(e)(1).

This determination constitutes a notice of denial of the Company's business confidentiality claim pursuant to 40 CFR § 2.205(f). It constitutes final agency action with respect to those claims, and is subject to judicial review under Chapter 7 of Title 5, United States Code. Subject to

the provisions of 40 C.F.R. §2.210, EPA will be at liberty to make the information available to the public on the tenth working day after receipt by the Company of this determination, unless the Office of Regional Counsel, U.S. Environmental Protection Agency, Region V, has first been notified of the commencement by the Company of an action in a Federal Court to obtain judicial review of the determination, and to obtain preliminary injunctive relief against disclosure. If such an action is timely commenced, EPA may nonetheless make the information available to the public, in the absence of an order by the court to the contrary, once the court has denied a motion for preliminary injunction in the action or has otherwise upheld the U.S. EPA determination, or whenever it appears to the Office of Regional Counsel, after reasonable notice to the Company, that the Company is not taking appropriate measures to obtain a speedy resolution of the action.



Robert B. Schaefer
Regional Counsel

Chicago, Illinois
April 11, 1985

JAN 29 1985

Assignment of Regional Counsel for Confidentiality Determination

Edith Ardiente, P.E.
Chief, Technical Program Section

Mary Gade
Office of Regional Counsel

American Chemical Service Inc., failed to respond to the February 10, 1983, Notice of Opportunity to Submit Comments Substantiating Claim of Business Confidentiality on portions of the company's RCRA Part B permit Application for Facility at 420 South Colfax Avenue, Griffith, Indiana 46319. Accordingly, it has waived its claim of confidentiality under 40 CFR §2.204(e)(1). Ms. Eileen Bloom of your staff was assigned to this case, however, she has since left the Agency and because notification to the applicant of confidentiality waiver is long overdue, I am hereby requesting you to assign a counsel and advise me or Mr. Greg Weber of my staff as quickly as possible.

cc: Cho
Weber
Part B File

5HS/Cho:vc 1/22/85

INITIALS	DATE	TYPIST	AUTHOR	STU #1 CHIEF	STU #2 CHIEF	STU #3 CHIEF	TPS CHIEF	WMB CHIEF	WMD DIRECTOR
		VC	6W	Indiana ATC 1/28/85					
		1/25/85	1/28/85						

1-28-85



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

IND 016361265

09 FEB 1983

REPLY TO ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED
FEB 10 1983

James Tarpo, President
American Chemical Service
P.O. Box 190
Griffith, Indiana 46319

WASTE MANAGEMENT
BRANCH

Re: Notice of Opportunity to Submit Comments Substantiating
Claim of Business Confidentiality on Portions of American
Chemical Service RCRA Part B Application for Facility at
420 S. Colfax Ave, Griffith, Indiana 46319

Dear Mr. Tarpo:

As you were informed by telephone on February 2, 1983, the United States Environmental Protection Agency (U.S.EPA) Region V has received a request under the Freedom of Information Act for the above captioned application. At the time you submitted your Resource Conservation and Recovery Act Part B permit application, you asserted a business confidentiality claim for portions of that application. We are now in the process of making a determination if any of the information subject to your claim is entitled to confidential treatment.

Pursuant to 40 CFR §2.204(d) and (e), your company has the right to submit comments in support of its claim of confidentiality. These comments must be received by this office no later than fifteen working days following receipt of this notice. The comments should be addressed to me, Robert B. Schaefer, Regional Counsel, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Failure to comment within fifteen working days will be construed as a waiver of your claim of confidentiality under 40 CFR §2.204(e)(1). Should extraordinary circumstances necessitate a time extension, please refer to the procedures stated at 40 CFR §2.205(b) which must be initiated prior to the expiration of the fifteen working days. A copy of the pertinent regulations has been enclosed for your convenience.

Please include in your comment complete information on the following:

1. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specified event, or indefinitely);

2. The extent to which the information claimed to be confidential has been disclosed to organizations or individuals other than EPA and its agents;
3. Measures which have been taken by American Chemical Service to guard against undesired disclosure of the information contained in the application;
4. Pertinent confidentiality determinations, if any, by U.S. EPA or any other Federal agency or court (supply a copy of any such determination, or reference it, if available);
5. Whether American Chemical Service asserts that disclosure of the information would be likely to result in substantial harmful effects on its competitive position and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

The burden of proving that RCRA permit application information subject to a claim of confidentiality is entitled to confidential treatment is on the party asserting the claim. 40 CFR §2.208(e)(1). Consequently, substantiation consisting of merely a brief, conclusory statement that disclosure could reveal trade secrets, financial, or commercial information to American Chemical Service's competitors is an insufficient basis for a determination that release of any or all of the information in the Part B permit application would cause harm to American Chemical Services competitive position.

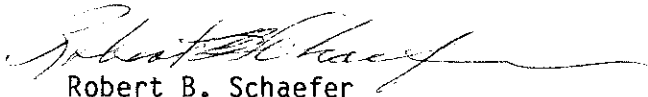
Specific information is required to support your claim. You should explain for each item claimed as confidential how release of this information could substantially harm American Chemical Service's competitive position. For example, if you assert that knowledge of a particular item would reveal a trade secret you should explain exactly what the trade secret is, why it is not general knowledge, and how release of it could be used to harm your competitive position. For additional guidance, I suggest that you familiarize yourself with the provisions in 40 CFR Part 2 concerning business confidentiality.

You may also assert a business confidentiality claim covering all or part of any comments which you submit to substantiate your claim. These comments claimed as confidential should be clearly identified. Comments that have been indicated as confidential are entitled to confidential treatment and will not be disclosed by U.S. EPA without the consent of American Chemical Service unless ordered by a Federal court.

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Please contact Ms. Eileen R. Bloom, Assistant Regional Counsel at (312) 886-6731, if you have any questions.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Robert B. Schaefer", with a long, sweeping horizontal line extending to the right.

Robert B. Schaefer
Regional Counsel

Enclosure

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

INDIANAPOLIS

OFFICE MEMORANDUM

DATE: December 27, 1989

TO: Kathy Prosser
Commissioner

THRU: Tom Rarick

FROM: Bruce Palin, Acting Assistant Commissioner *BHP*
Solid and Hazardous Waste ManagementSUBJECT: Petition for Adjustment of Financial Responsibility
American Chemical Services

Pursuant to the requirements of 329 IAC 3-22-24(a), an owner and operator of a hazardous waste treatment, storage or disposal facility must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations at the facility. The owner or operator of such facility must have and maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars (\$1,000,000) per occurrence, with an aggregate of at least two million dollars (\$2,000,000) exclusive of legal defense cost.

Pursuant to 329 IAC 3-22-24(c), if an owner or operator can demonstrate to the satisfaction of the Commissioner that the levels of financial responsibility required are not consistent with the degree and duration of risk associated with treatment, storage or disposal at the facility the owner may obtain an exemption from the Commissioner. The exemption will take the form of an adjusted level of required liability coverage, such level to be based on the Commissioner's assessment of the degree and duration of risk associated with the facility.

The Commissioner may require an owner or operator who request an exemption to provide such technical and engineering information as is deemed necessary to determine the level of financial responsibility required.

We have recently received a petition for adjustment of financial responsibility requirements for non-sudden occurrences from American Chemical Services in Griffith, Indiana. They have requested that we supply to them a description of any technical and engineering information we deem necessary to evaluate their request for exemption.

Staff has done some background research into this issue and as far as can be determined, no guidance from the U.S. EPA has ever been developed on evaluating this type of petition. Also, according to various U.S. EPA contacts, a petition of this sort has never been granted anywhere in the United States.

The American Chemical Services' site is on the superfund list. They are also presently subject to a U.S. EPA enforcement action for among other things, lack of financial assurance. Their insurance was cancelled by their insurance company effective March 12, 1986. The U.S. EPA has indicated the facility would have to close if they cannot obtain financial assurance.

Kathy Prosser
Page 2

Letters in our files indicate they have tried to obtain the necessary insurance, but have been refused because they are too high a risk according to the insurance companies. It is interesting that American Chemical Services is requesting an exemption based upon a supposed low risk at the same time insurance companies are denying them insurance because of high risk.

With the current cost of site assessment and remediation what it is, even one million dollars is not a lot of money with which to address many situations which might and do arise at a hazardous waste management facility.

The provision in our rules allowing case-by-case adjustment of financial responsibility levels is an outdated provision which the majority of staff of this office believe should be repealed.

It is the opinion of this office that American Chemical Services' petition for a variance should be denied. This opinion is also held by the U.S. EPA enforcement staff who are involved with this facility.

I would appreciate your comments on this issue. Any final decision on this matter will have to be handled as a major permit modification and will require that a draft decision, and fact sheet be prepared. It will also have to be public noticed and made available for public comment. We must also give notice of opportunity for a public hearing, and as usual comply with IC 4-21.5(AAA).

DWB/kaw

cc: Mr. Tom Linson
Mr. Jeff Stevens
Mr. Steve Siegel, U.S. EPA, Region V



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

Ms. Kathy Prosser, Commissioner
Indiana Department of Environmental
Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, IN 46206-6015

February 26, 1990

RE: Petition for Adjustment of Financial Responsibility of
American Chemical Service, Griffith, Indiana.

Dear Ms. Prosser:

The United States Environmental Protection Agency (EPA) recently received a copy of a December 27, 1989, memo sent to you from Bruce Palin, the Acting Assistant Commissioner for Solid and Hazardous Waste Management. The subject of the memo is a petition filed by American Chemical Service (ACS) for an adjustment of the Indiana financial responsibility requirements for an owner or operator of a hazardous waste treatment, storage or disposal facility.

Paragraph four on the second page of the December 27, 1989, memorandum indicates that EPA enforcement staff have an opinion on the outcome of the American Chemical Service petition for a variance from financial responsibility requirements. EPA considers any decision your office makes on the merits of the American Chemical Service petition strictly a State decision.

EPA has reached an agreement in principle to settle its complaint against American Chemical Service. The agreement provides for full payment of the \$116,300 penalty EPA assessed against ACS for operating without the proper financial responsibility requirements and allows ACS up to six months of continued operation while it tries to meet the requirements. If, however, your office denies the ACS petition for a variance, the terms of EPA's settlement with ACS may require ACS to cease receipt of hazardous waste and begin the closure process before the six month period ends. EPA wants to emphasize, however, that any decision on the variance petition is a State decision.

If you have any questions or comments on the above information, please give me a call at (312) 353-1129. Enclosed for your convenience is a copy of the December 27, 1989, memo referred to above and a copy of the agreement in principle between EPA and ACS.

Sincerely,

Steven Siegel
Assistant Regional Counsel
U.S. EPA, Region V

cc: Bruce Palin, IDEM
Dave Berry, IDEM
Rodger Field, U.S. EPA
Dan Bakk, U.S. EPA
Joe Boyle, U.S. EPA